



United States Department of Agriculture

Saddle Lakes Project

Record of Decision



Cover Photo: Salt Creek.

Photograph by Jon Hyde, Ketchikan Misty Fiords Ranger District.



Forest Service
Alaska Region

Tongass National Forest
Ketchikan-Misty Fiords
Ranger District

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Saddle Lakes Project

Record of Decision

United States Department of Agriculture Forest Service Alaska Region

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Abstract

The Forest Supervisor, M. Earl Stewart, as Responsible Official, has decided to defer all timber harvest and associated harvest activities and to select non-timber harvest related components of the Selected Alternative from the Saddle Lakes Timber Sale Final Environmental Impact Statement. This decision will authorize the State of Alaska ROW and the modification of a naturally occurring partial fish barrier in lower Salt Creek.

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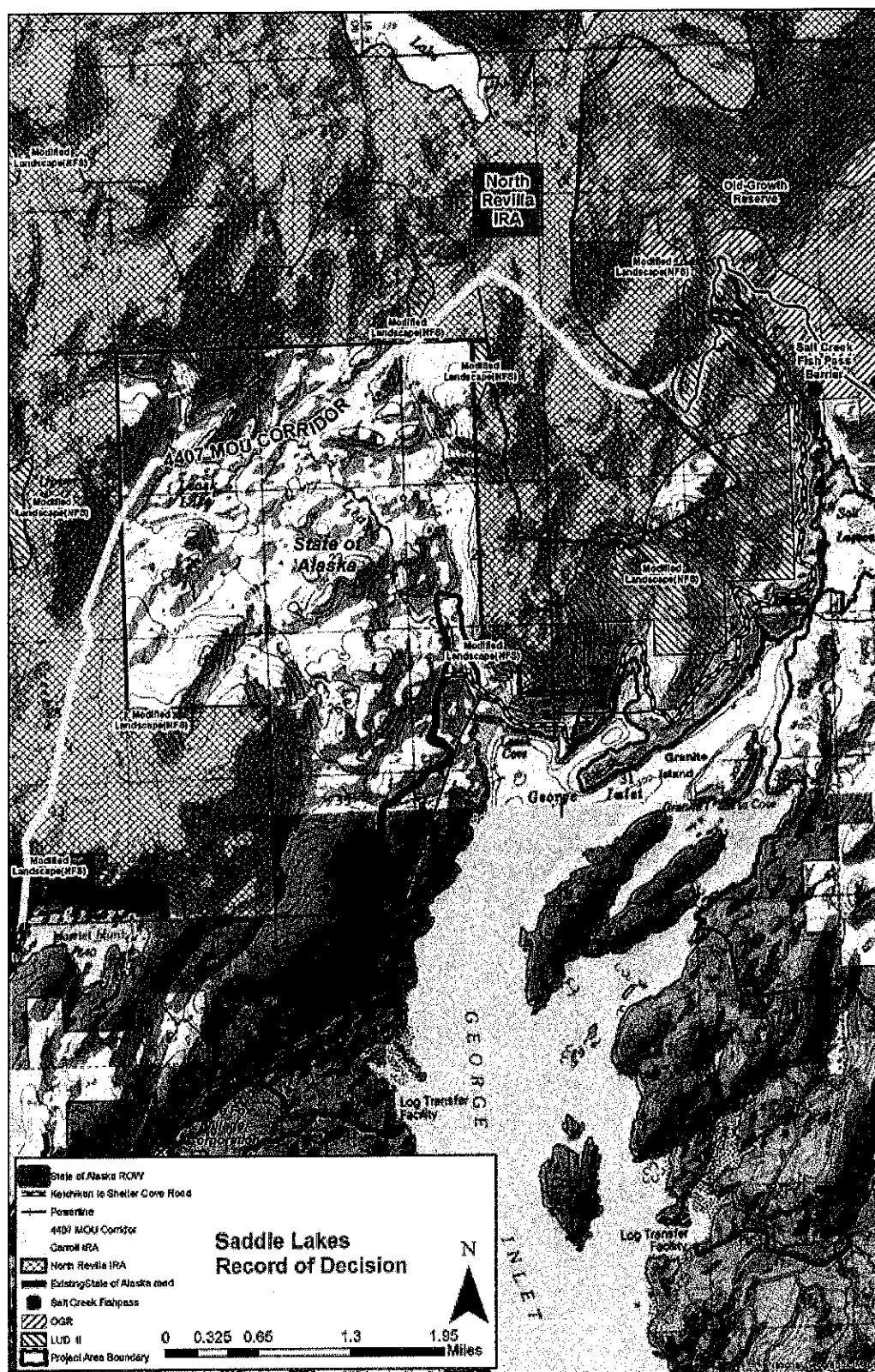


Figure 1. Project area and vicinity map

Summary of the Decision

Based upon my review of the Saddle Lakes Timber Sale Final Environmental Impact Statement (FEIS), I have decided to authorize a right-of-way (ROW), about 300 feet wide by about 1 mile, to the State of Alaska to construct, operate and maintain a single lane public road connecting the State's proposed road with Road 8300300. A special use authorization will be issued to implement this action. The new road will be constructed by the State of Alaska within the authorized ROW and left open for public use. Additionally, the partial barrier to fish passage on Salt Creek will be modified to improve access for coho salmon and steelhead trout. Both of these activities were included in all action alternatives considered in the FEIS.

As directed by the Reviewing Officer in response to the objections received related to the draft Record of Decision (ROD), I am deferring any decision on timber harvest, the road construction associated with timber harvest, and the two Forest Plan amendments discussed in the draft ROD. I have directed my staff to prepare a Supplemental EIS (SEIS) for the timber harvest elements of the project to further consider and disclose the effects associated with these activities, and any future decision on timber harvest, and associated road construction will be based on the analysis in that SEIS and the complete project record. Any related Forest Plan amendment(s) will be made after that SEIS process, and appropriate public review and comment, has been completed.

Project Area

The 42,016 acre Saddle Lakes project area is located in Southeast Alaska on Revillagigedo Island, about 14 miles north of the City of Ketchikan. The project area is made up of about 38,459 acres of National Forest System lands (NFS) and 3,557 acres of non-NFS lands. The non-NFS lands, which comprise about 9 percent of the project area, are owned by the Cape Fox Corporation, State of Alaska, Alaska Mental Health Trust Authority, and private landowners.

The project area includes three land use designations: Timber Production LUD, (15,305 acres or 40 percent of the project area), Modified Landscape LUD, (16,028 acres or 42 percent of the project area) and Old-Growth Habitat LUD, (3,565 acres or 9 percent of the project area). A fairly extensive road system (about 53 miles) is present in the project area. This road system is not currently connected to the Ketchikan road system, but has been proposed and is being planned by the State of Alaska in cooperation with the US Army Corps of Engineers (USACE). Construction of the road is expected to begin in the summer of 2016.

Selected Alternative

My decision authorizes the ROW to the State of Alaska, through the grant of a special use authorization for the construction, operation, and maintenance of the approximate 1 mile section of road located on NFS land intended to connect the Ketchikan and Shelter Cove road systems. I also authorize the modification to the barrier to fish passage located on Salt Creek. These activities were common to all of the action alternatives considered in the Saddle Lakes FEIS. This decision defers a decision on timber harvest activities, roads associated with timber harvest and Forest Plan Amendments analyzed under the action alternatives in the Saddle Lakes FEIS pending completion of the SEIS.

Reasons for the Decision

The best available science was used in the preparation of the Saddle Lakes EIS. The analysis was an interdisciplinary and interagency effort by the State of Alaska and other federal agencies that provided

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input into the EIS as well as a thorough review throughout the process. The analysis included more than 460 peer reviewed articles and site specific studies. Collaboration included 29 specialists representing 13 resources. For each resource, a project specific report was prepared and reviewed to ensure accuracy.

In making my decision, I considered the objectives to meet the purpose and need for this project as well as the issues and concerns that arose during scoping, the comment period on the DEIS, and in the objections filed on the Saddle Lakes FEIS and draft ROD. Supporting and opposing views were considered equally for this project. I considered Forest Plan direction relevant to this project and the competing interests and values of the public. I considered all viewpoints and incorporated them where feasible and consistent with the purpose and need of the project. I evaluated the trade-off between resource protection and social values.

I have considered the need for expanded access for multiple resource uses and activities such as the Alaska Free Use/Personal Use program, firewood gathering, subsistence and sport hunting trapping and recreation. These uses were considered in conjunction with the need to facilitate access for short-term forest management activities such as precommercial thinning and microsals and provide resource protection.

I have decided to authorize the ROW to the State of Alaska on the fact that the Ketchikan to Shelter Cove road, if constructed, will provide roaded access to individuals and industry especially from the communities of Ketchikan and Saxman. This new road connection will allow people in Ketchikan to drive to the Saddle Lakes area instead of having to boat or fly to the area. The road will also allow for a wider range of visitors to access the project area and provide a more economical means of getting there. At this time, the project area must be reached by boat or plane; once the road is connected to Ketchikan, older individuals, those with disabilities, and those people without a boat/plane will be able to drive to the area. I believe that authorizing this ROW results in fewer environmental impacts and retains the roadless characteristic of the southern portion of the North Revilla Inventoried Roadless Area. This route will require less maintenance and result in safer year-round travel between Ketchikan and Shelter Cove.

Subsistence

I am aware, based on public comments and the ANILCA 810 Subsistence Hearing that residents of the subsistence communities of Saxman, Metlakatla, and other rural communities use the project area for subsistence deer hunting. I believe, based on their comments and testimony that providing vehicle access to the Shelter Cove area via a connected road system supports subsistence use. However, I also recognize that increased subsistence and sport hunting in the Saddle Lakes area may cause increased competition among hunters. There was concern over the effects of harvest to deer habitat for subsistence use. However, comments received favored improved access. I have considered the need for public access, potential effects on resources, and public concerns voiced regarding subsistence use. I think that what I have heard from subsistence users supports my decision to authorize the ROW for the State of Alaska and to modify the barrier to fish passage on Salt Creek.

Modification of the partial barrier to fish passage on Salt Creek will improve access to five miles of upstream habitat and 139 acres of lake habitat for anadromous fish increasing harvest opportunities for subsistence users. I am not aware of public concerns regarding the modification to the barrier to fish passage located on Salt Creek.

Wildlife

I considered the effects of the ROW on wildlife species, habitat, and the impacts to both sport and subsistence hunting and trapping of wildlife species. Construction of the road in the ROW will have minimal effect on wildlife habitat due to the small scope and scale and limited duration of the work.

However, completion of the Ketchikan to Shelter Cove road will connect WAA 406 west of Carroll Inlet and additional areas in WAA 407 (including the Saddle Lakes area) to the communities of Saxman and Ketchikan. This additional road access is expected to increase hunting and trapping pressure and competition within the Saddle Lakes project area and could lead to localized overharvest of wolves, marten, and other game species. Road access will likely also result in increased disturbance to wildlife from additional recreational activities. Regulatory processes are currently in place to deal with human caused mortality.

Although wolf population viability has a high likelihood of being maintained across the Tongass, concerns have been expressed on wolf sustainability at a more localized scale. Road density effect on wolf mortality has not been an issue in WAAs 406 and 407 in the past due to the lack of road connection to a community. Wolf populations within GMU 1A are currently thought to be stable, with unlimited trapping allowed. The Ketchikan to Shelter Cove road would not have a substantial impact on road density, but could cause an increase in trapping pressure, potentially making road density and wolf mortality a concern. Wolf mortality and related road densities are discussed on page 96 of the FEIS, and referenced in Table 24. Since management of hunting regulations is under the jurisdiction of the State of Alaska and the Federal Subsistence Board, I have been and will continue to work with other Federal and State agencies in addressing any concerns about the sustainability of wolf populations.

An interagency group will continue to evaluate measures such as length of season and harvest limit proposals for submission to the ADFG Board of Game and Federal Subsistence Boards, as well as road access management in conjunction with ADFG. The fish barrier modification is not expected to have measurable negative effects on wildlife species or habitat.

Aquatics and Fish

I have considered the modification and removal of the partial barrier to fish passage on Salt Creek and its benefit to the commercial fishing industry, subsistence and sport fishing. This project will open up about five miles of stream and 139 acres of lake habitat for adult steelhead and adult coho salmon. I recognize that removal of the partial barrier to fish passage may result in a reduction in stream water quality, but these effects are temporary, short in duration, and likely not measurable. Application and monitoring of best management practices (BMPs) will ensure the protection of water quality and aquatic habitat from road construction.

Inventoried Roadless Areas

The Ninth Circuit Court has issued its en banc decision in *Organized Village of Kake v. U.S. Dept. of Agriculture*, 11-35517, upholding the Alaska District Court's reinstatement of the Roadless Rule, which remains in effect and applies to the Tongass. Neither the ROW to the State included in the Selected Alternative nor the overall Ketchikan to Shelter Cove road the State intends to construct are located in any roadless areas as described by the 2001 Roadless Rule.

Climate Change

I weighed the effects of climate change on the project, including the near-term effects of the action alternatives among the other resource considerations. The FEIS identified difficulties in assessing effects at the project scale, largely due to the level of uncertainty. While there is general agreement among scientists that the climate is warming, there is considerable uncertainty concerning the exact effects of climate change on the forests of Southeast Alaska and how to best deal with possible changes to the many resources on the Tongass. Based on the project-level analysis and the state of current knowledge and the uncertainty about specific effects of climate change, I have no reason to believe that the Selected Alternative will exacerbate climate change or its effects. The Tongass National Forest will continue to

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monitor potential effects of climate change through the existing Forest Plan monitoring programs and other studies that are happening regionally and nationally. If effects from climate change are detected, they will be addressed through existing planning procedures to determine whether changes in management are warranted.

Conclusion

Based on public comments and documentation prepared for ongoing projects nearby the Saddle Lakes project area, I believe there is sufficient new information regarding the Alaska Mental Health Trust Authority (AMHTA) land exchange in the project area to warrant additional consideration and analysis prior to moving forward with the proposed timber harvest, construction of roads for timber harvest, and amendments to the Forest Plan to relocate the Small OGR and modify Visual Priority Route designations analyzed in the Saddle Lakes FEIS and described in the draft ROD. However, I believe that the analysis and public input is adequate to support moving forward with authorizing the ROW to the State of Alaska and modification of the barrier to fish passage located on Salt Creek.

The ROW authorized in this decision, is the northernmost portion of the State's proposed Ketchikan to Shelter Cove Road which involves construction of 6.6 miles of new road, of which 3.5 miles traverse previously harvested stands on State lands. The authorized ROW traverses about 1 mile of NFS land and passes through approximately 0.3 miles of the southwest edge of an Old Growth Reserve (OGR) occupying about 10 acres of the OGR.

Alternate routes for the Ketchikan to Shelter Cove Road included a route approved in 2006 under the Memorandum of Understanding between the State of Alaska and the Forest Service in regards to implementation of section 4407 of Public Law 109-59 (FS Agreement No. 06MU-11100100-151). This route would have required construction of eight miles of new road beginning at an existing road near Lake Harriet Hunt and traversing about 2.5 miles of NFS Inventoried Roadless Area lands, three miles of State land north of Leask Lakes, and another 2.2 miles of NFS Inventoried Roadless Area lands near the project area to connect the Ketchikan and Shelter Cove road systems.

Based on known environmental conditions and public comment, this route would have required extensive seasonal maintenance. Elevations range from less than 500 feet to more than 1100 feet along its length. Large portions of that route are north facing slopes or inland elevated valleys subject to snow-cover and retention earlier and later in the year than a section of road on a south facing slope with the benefit of sun exposure to help dry and stabilize the road. I believe the ROW included in my decision has far fewer effects than the alternate route, and will require less maintenance to ensure that road conditions do not contribute to water quality or other concerns.

I have decided that the modification and removal of the partial barrier to fish passage on Salt Creek will benefit the commercial fishing industry and subsistence and sport fishing by opening up about five miles of stream and 139 acres of lake habitat for adult steelhead and adult coho salmon. I recognize that removal of the partial barrier to fish passage may result in a reduction in stream water quality, but these effects are temporary, short in duration, and likely not measurable.

During the objection resolution and review process, some objectors expressed an interest in access to firewood from the project area. I believe there are opportunities for personal use firewood in the Saddle Lakes project area, and encourage the public to work with the Ketchikan Ranger District if interested in pursuing these opportunities. Any timber removed during the construction of the road within the ROW through NFS lands remains the property of the Forest Service and may be an additional source of firewood for local residents. The special use permit issued to the State of Alaska authorizing this ROW will provide instructions on how this timber should be cut and stacked along the roadway.

Effects of the Selected Alternative on Significant Issues

Significant Issues were identified for the Saddle Lakes Timber Sale EIS through external and internal scoping, and were addressed by five action alternatives and a no-action alternative. The significant issues identified included timber economics, timber availability, wildlife habitat and subsistence use, and scenery and recreation. Because of the direction provided to me by the Reviewing Officer, I have deferred a decision on timber harvest activity, road construction for timber harvest, and the Forest Plan amendments analyzed in the Saddle Lakes Timber Sale FEIS until my staff prepares a SEIS to fully analyze the potential effects of the AMHTA land exchange in conjunction with those activities.

While the creation of a road connecting the Ketchikan and Shelter Cove Road systems could affect Timber Availability (Issue 2) and Wildlife and Subsistence use (Issue 3), I do not believe the State of Alaska ROW and modification of the barrier to fish passage have major effects on the significant issues identified for the project.

The Ketchikan to Shelter Cove Road is proposed by the State of Alaska with permitting carried out by the US Army Corps of Engineers, the lead Federal agency, and State of Alaska Department of Natural Resources. Approval/denial of the project is not part of this decision since most of the road lies on State lands. The road is planned by the state without consideration of any proposed timber sale in the area of analysis, and conversely, analysis performed in the Saddle Lakes Timber Sale FEIS did not include overland transport out of the project area and was done as part of the cumulative effects analysis since the project was determined to be a possible reasonably foreseeable future action.

Benefits of using the State's Ketchikan to Shelter Cove road for timber harvest exist, but are uncertain and based on seasonal conditions, market prices for timber, and the location of the processing facility or transfer location. Harvest units proposed under the Saddle Lakes Timber Sale FEIS lie at the farthest end of the proposed road, about 31 miles from Ward Cove requiring about four hours per round trip under favorable weather conditions and would be near the costs of shipping logs by barge as calculated in the timber economics financial calculations. Future timber harvest projects in the Shelter Cove area would face similar constraints based on changing markets and distance to processing or transfer facilities. However, the presence of the Ketchikan to Shelter Cove road would only be one of several factors influencing the salability of any timber sale planned for this area.

Other Environmental Consequences

All resources were evaluated for the effects of the Selected Alternative. Analyses of the effects on other resources for the Selected Alternative, including the cumulative effects with other projects, are summarized in the FEIS with additional information in the project record.

Alternatives Considered in Detail

Six alternatives were considered in detail in the DEIS. All action alternatives respond to the purpose and need and significant issues identified in the Saddle Lakes Timber Sale FEIS. A brief summary of each of the alternatives analyzed in detail in the FEIS and how it equates to the Selected Alternative is discussed below.

Items Common to All Action Alternatives analyzed in the Saddle Lakes FEIS

- Reconstruction of the Shelter Cove LTF,
- Fish barrier modification on lower Salt Creek; and

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- Authorizing the State of Alaska ROW for the construction, operation, and maintenance of the approximate 1 mile section of road located on NFS land intended to connect the Ketchikan and Shelter Cove road systems.

Alternative 1 - No Action:

Proposed no new Forest Service timber harvest or timber related road construction in the project area. This alternative represents the existing condition, serving as a baseline for comparing the action alternatives for resources.

Alternative 2 - Proposed Action:

Equally addressed the issues identified for the project. Silvicultural prescriptions were developed to meet scenic integrity objectives and avoid removal of VPR designations. Harvest units were designed to avoid the effects to wildlife corridors and units with lesser round leaf orchid populations.

Alternative 3:

Addresses Issue 3 (Wildlife/Subsistence) and Issue 4 (Scenic Integrity and Recreation) while allowing for a lower level of harvest than the other action alternatives. Prescriptions reduced impacts to scenery and recreation in the project area and meet scenic integrity objectives.

Alternative 4:

Addresses Issue 1 (Timber Economics) and Issue 2 (Timber Availability). This alternative was designed to identify the maximized timber harvest with a focus on achieving the highest economic value. This was identified as the preferred alternative for the DEIS, but based on further review, analysis and public comment, it was not selected for the intended decision in my draft ROD.

Alternative 5:

Was designed to maximize timber harvest in the Timber Production and Modified Landscape LUDs to address Issues 1 and 2 (Timber Availability and Economics) Alternative 5 maximized conventional logging systems and even-aged management.

Alternative 6:

Was designed to address Issue 1 (Timber Economics), Issue 2 (Timber Availability) and Issue 4 (Scenic Integrity and Recreational Opportunities).

Environmentally Preferred Alternative

Alternative 1, the no-action alternative, would result in no environmental disturbance and is therefore the environmentally preferred alternative.

Of the action alternatives, The Selected Alternative, as described in this ROD, is the most environmentally preferred alternative for the project area.

Alternatives Eliminated From Further Consideration

Several additional alternatives were proposed internally or by the public during scoping and review of the Saddle Lakes Timber Sale FEIS. These alternatives, while considered, were not carried forward for detailed analysis and included a small sales only alternative, an alternative that proposed harvest in roaded portions of inventoried roadless areas, an alternative to not harvest Pacific silver fir, and an alternative to

not harvest healthy yellow-cedar. More discussion of these alternatives is located in Chapter 2 (p. 24) of the FEIS.

Public Involvement

Public involvement is a key component of the planning process; it has been instrumental in identifying issues and developing alternatives for the Saddle Lakes Timber Sale. Public meetings, Federal Register notices, newspaper ads, government-to-government consultation, group and individual meetings, and the Tongass National Forest Schedule of Proposed Actions were used to seek input for this project.

Since project initiation in 2012, informal meetings were held with members of the public and stakeholder groups. Meetings, reviews, and professional dialogue also occurred with other Federal and State agencies during this period. Government-to-government consultation with federally recognized tribal governments and tribal corporations are ongoing through monthly project updates.

A list of members of the public, groups, and agencies who received a copy of the DEIS is located in Chapter 4 (p. 465) of the DEIS. The responses to comments are in Appendix D of the FEIS. Submitted literature and opposing viewpoints are available in the project record and online. Documentation of the subsistence hearings is located in the project record. Chapter 1 of the Saddle Lakes Timber Sale FEIS provides more detailed information concerning public involvement, as well as the timing of public involvement activities that occurred prior to the Notice of Availability and release of the DEIS.

The Notice of Availability for the DEIS was published in the Federal Register on September 12, 2014, starting the 45-day public comment period. A legal notice was also published on September 12, 2014 in the Ketchikan Daily News, the official newspaper of record.

A project open house and formal subsistence hearing was held in Ketchikan on October 16, 2014. This meeting was announced via intergovernmental communication with local tribal governments, on the radio, published in the Ketchikan Daily News, and notices were posted in prominent locations in the populated portion of Revillagigedo Island.

From 2012 to 2014, informal meetings were held regarding the project with members of the public and stakeholder groups. During the same period, government-to-government consultation, including monthly updates on the project was conducted with federally recognized tribal governments and tribal corporations. Meetings, reviews, and professional dialogue also occurred with other Federal and State agencies during this period.

Project Record

The project record includes the DEIS and FEIS, and materials produced or used during the environmental analysis of this project, such as relevant references, data and analysis plus all material incorporated by reference, such as the Forest Plan and supporting documentation.

The project record is available for review at the Ketchikan-Misty Fjords Ranger District Office and is available electronically upon request.

Mitigation

The analysis documented in the FEIS discloses the possible adverse effects of implementing the actions proposed under each alternative. Forest Plan Standards and Guidelines were formulated to mitigate or reduce these effects. This direction was applied in the development of the project alternatives.

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As part of my decision, I will require the State of Alaska to follow mitigation measures for the Selected Alternative. To reduce the potential of the spread of invasive plant species, the following mitigation measures will be followed:

- Access rock material that is free of any high priority invasive plants (see Appendix A in Invasive Plant Risk Assessment for list of species) will be obtained from existing quarries prior to constructing new roads. All rock and fill sources will be inspected by certified personnel.
- Monitor the newly constructed, 1.1 mile section of the Ketchikan to Shelter Cove for at least 3 years after the project for new invasive plant introductions.
- Eradicate or control any newly introduced high-priority invasive plant species not currently in the project area after the project completion.
- Prioritize controlling any new populations relative to other populations of high-priority species needing treatment on the District.

Monitoring

Monitoring involves gathering data and information and observing the results of management activities. Monitoring activities can be divided into project-specific and Forest Plan monitoring and is required under NFMA to evaluate Forest Plans (36 CFR 219.110). Chapter 6 of the Forest Plan includes monitoring activities to be conducted as part of Forest Plan implementation. Monitoring of the Selected Alternative will be done during implementation and as part of the Forest Plan monitoring program. Monitoring items that apply to the Selected Alternative are part of this decision and will be implemented as documented in the Forest Plan.

Findings Required By Law

Alaska National Interest Lands Conservation Act (ANILCA) of 1980: Section 810 (a)(3) of ANILCA requires that when a use, occupancy, or disposition of public lands may result in a significant possibility of a significant restriction, a determination must be made whether (1) such a restriction is necessary, consistent with sound management principles for the utilization of public lands, (2) the proposed activity involves the minimum amount of public lands necessary to accomplish the purposes of the use, and (3) reasonable steps will be taken to minimize adverse impacts on subsistence uses and resources resulting from the actions. Using the information described in the FEIS and ROD, the alternatives were evaluated for potential effects on subsistence uses and needs.

Subsistence Evaluation and Findings

Consistent with Section 810 of ANILCA, the Saddle Lakes project area was evaluated for potential effects on subsistence. ANILCA 810 subsistence hearings were conducted in Ketchikan on October 16, 2014. Based on the evaluation hearings and findings in the 2008 Forest Plan, I have determined that the Saddle Lakes project may result in a significant possibility of a significant restriction of subsistence uses on deer due to changes in abundance and distribution and/or competition. If constructed, the Ketchikan to Shelter Cove road would increase access to deer, possibly affecting hunter demand by both subsistence and sport hunters and/or the amount of competition in the Saddle Lakes project area. This determination is based on an anticipated increase in human population, and an associated increase in subsistence activities.

Based upon community use information and other resource analysis, the Selected Alternative will not result in a significant possibility of a significant restriction of bear, furbearers, marine mammals, waterfowl, salmon, other finfish, shellfish and plant foods such as roots and berries. As a result of this

finding, the Forest Service will notify the appropriate State agencies, local communities, the Southeast Alaska Federal Subsistence Regional Advisory Council, and State Fish and Game Advisory Committees

Necessary and Consistent with Sound Management of Public Lands

The Selected Alternative has been reviewed to determine whether it is necessary and consistent with sound management of public lands. In this regard, the National Forest Management Act, the Alaska National Interest Lands Conservation Act (ANILCA), the Tongass Timber Reform Act, the Wilderness Act, the Tongass Land and Resource Management Plan, and the Alaska State Forest Resources and Practices Act have been considered. Based on the analysis presented in the Saddle Lakes FEIS, the findings in this ROD and the analysis for the Forest Plan, I have determined that the Selected Alternative is necessary and consistent with sound management principles for the utilization of public lands.

Amount of Public Land Necessary to Accomplish the Proposed Action

I have determined that the amount of land necessary to implement the Selected Alternative, considering sound multiple-use management of public lands, is the minimum necessary to accomplish the purpose of this project. The entire forested portion of the Tongass is used by at least one rural community for subsistence deer hunting, at a minimum. It is not possible to avoid all of these areas in implementing resource use activities, and attempting to reduce effects in some areas can mean increasing the use of others. The current Forest-wide Standards and Guidelines and LUD prescriptions provide for management or limit activities in many of the areas that are most important for subsistence uses, such as beaches and estuaries, and areas with high fish and wildlife habitat values.

Reasonable Steps to Minimize Adverse Impacts to Subsistence Uses and Resources

Subsistence use is addressed specifically in a Forest-wide Standard and Guideline, and subsistence resources are covered by the Forest Plan Standards and Guidelines for wildlife, fish, riparian areas, and biological diversity, among others. Fish and wildlife habitat productivity will be maintained at the highest level possible for the Selected Alternative, consistent with the overall multiple-use goals and improved protection of the Forest Plan.

Bald and Golden Eagle Protection Act of 1940 (as amended)

In conjunction with the National Bald Eagle Guidelines, the USFWS Alaska Region (USFWS 2009a) has identified step-by-step guidelines to assist in determining if activity near an eagle nest is likely to “take” or disturb bald eagles. Analysis concluded that no activities are proposed within disturbance avoidance zones listed in the USFWS conservation measures for avoiding take, under any alternative. Therefore, I have determined that there would be no direct or indirect effects on bald eagle habitat or bald eagles under the Selected Alternative with required timing restrictions. Because there are no direct or indirect effects to eagles, there will be no take and a permit will not be necessary as described in 50 CFR § 22.26. In the event a bald eagle nest is identified during road construction activities and barrier modification activities, then the District Wildlife Biologist will be contacted, and appropriate action taken.

Clean Air Act of 1970 (as amended)

I have determined that emissions from the implementation of the Selected Alternative will be of short duration and are not expected to exceed State of Alaska ambient air quality standards (18 AAC 50).

Clean Water Act (1977, as amended)

I have determined that the Selected Alternative will comply with the Clean Water Act and meet the goals of Alaska’s water quality standards. Clean Water Act Sections 208 and 319 address nonpoint source pollution caused by activities such as timber harvest. The site-specific application of best management

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practices (BMPs), with a monitoring and feedback mechanism, is the approved strategy for controlling nonpoint source pollution as defined by Alaska's Nonpoint Source Pollution Control Strategy. In 1997, the State of Alaska approved the BMPs in the Forest Service's Soil and Water Conservation Handbook as consistent with the Alaska Forest Resources and Practices Regulations. The BMPs are incorporated into the Forest Plan. The Forest Service recently issued National Core BMPs. Directives for use are in development. The Saddle Lakes project will implement the most up-to-date BMP guidance. Appendix C of the FEIS includes a crosswalk that displays the relationship between the Alaska Region BMPs and the National Core BMPs.

Forest roads, as defined by US Army Corps of Engineers guidance, are exempt from Clean Water Act Section 404 permitting requirements only if they are constructed and maintained in accordance with best management practices to assure that flow and circulation patterns and chemical and biological characteristics of the waters are not impaired (404)(f)(1)(E). The BMPs are specified in 33 Code of Federal Regulations (CFR) 323. These BMPs have been incorporated into the Forest Service's BMP 12.5. I recognize that removal of the partial barrier to fish passage may result in a reduction in stream water quality, but these effects are temporary, short in duration, and likely not measurable.

Endangered Species Act (ESA) of 1973 (as amended)

A Biological Assessment/Biological Evaluation (BA/BE) was prepared for the Saddle Lakes project as required under Section 7 of the Endangered Species Act (ESA), as amended, and the USDA Forest Service (USFS) threatened, endangered, and sensitive plant and animal species policy (FSM 2670). Threatened, endangered, and candidate species potentially occurring in the project area were identified through consultation with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS). Confirmation of the threatened and endangered species list was received from NMFS on June 07, 2013. Humpback whales are the only federally listed species known to occur near the project area.

The BA/BE was sent to the USFWS and NMFS as part of the Section 7 consultation under the Endangered Species Act on July 23, 2014. I concurred with the final determination of "not likely to adversely affect" made for humpback whales and "may adversely impact individuals, but not likely to cause a trend to federal listing or a loss of viability in the Planning Area nor cause a trend toward federal listing" for goshawks. As I have deferred a decision on the timber harvest activities leading to this determination, I believe the effects of the decision I am making at this time are negligible. Other species analyzed had a determination of no effect or no impact.

On April 10, 2015, the USFWS announced its 90-day finding on a petition to list yellow-cedar as endangered or threatened under the Endangered Species Act. Based on its review, the Service finds that the petition, dated June 24, 2014, presents substantial information indicating that listing this species may be warranted. The USFWS is seeking scientific and commercial data and other information on the status of and threats facing the yellow-cedar throughout all of its range through a 60-day public information period which will assist in a future status review. Based on the results of the status review, the Service will issue a 12-month finding on the petition, which will address whether listing the species as threatened or endangered is warranted, as provided in section 4(b)(3)(B) of the Endangered Species Act.

Federal Cave Resource Protection Act of 1988

There are no known caves located in the project area.

Forest Service Transportation Final Administrative Policy (Roads Rule)

The FEIS and this ROD are prepared to be consistent with the Forest Service Transportation Final Administrative Policy and the Tongass National Forest Level Roads Analysis (2003), KMRD Access and Travel Management (2008) and the Saddle Lakes Timber Sale project level analysis (2013). I have determined that the proposed road system is "the minimum road system needed for safe and efficient travel and for administration, utilization, and protection of National Forest System lands" (36 CFR 212.5).

Magnuson-Stevens Fishery Conservation and Management Act

The potential effects of the project on Essential Fish Habitat (EFH) were included in Chapter 3 of the DEIS and the FEIS. This discussion includes reference to the Magnuson-Stevens Fisheries Conservation Act which requires the Forest Service to consult with NMFS on projects that may affect EFH. It includes a description of EFH in the project area, a description of the proposed activities, an analysis of the potential adverse effects of the actions on EFH and the managed species, Forest Service conclusions on the effects of the action on EFH, and a description of measures that will protect these essential habitats. I reviewed the potential effects of the project on EFH discussed in the FEIS which concluded that this project may adversely affect EFH (FEIS p. 255). However, as timber harvest activities leading to this determination are no longer considered in the Selected Alternative, I have determined that the project will not have any effect on EFH at this time.

Marine Mammal Protection Act of 1972

Actions authorized in the Selected Alternative will not have a direct, indirect, or cumulative effect on marine mammals. Marine mammal viewing guidelines administered by the NMFS and enforced by the Coast Guard are sufficient for their protection. Contractors, purchasers and employees will be required to follow provisions on Marine Wildlife Guidelines, including special prohibitions on approaching humpback whales in Alaska as defined in 50 CFR 224.103.

National Forest Management Act (NFMA) of 1976 (as amended)

The National Forest Management Act (NFMA) requires a specific determination for consistency with existing Forest Plans. The Saddle Lakes Timber Sale FEIS is tiered to the 2008 Forest Plan Amendment FEIS in accordance with 40 CFR §1508.28. The decision for the Forest Plan was signed on January 23, 2008. This Plan was developed under the 1982 planning rule. A Forest Plan amendment is currently being analyzed but a FEIS and draft ROD for that project have not been released at this time. The Saddle Lakes Timber Sale, as analyzed in the FEIS, is a Category 3 project. Category 3 projects include "timber sale projects for which a Draft Environmental Impact Statement has not been released for public comment before the effective date of the Forest Plan". These projects shall be based on the 2008 amended Plan and will be consistent with all applicable management direction (Forest Plan ROD, p. 70).

Forest Plan

I have determined that this decision, the Saddle Lakes Timber Sale FEIS, and all analysis for the FEIS are consistent with the Forest Plan. New road construction is generally inconsistent with Old-growth Habitat LUD objectives, but new roads may be constructed if no feasible alternative is available (USDA 2008b, TRAN.A, p. 3-61). About .3 miles of road would be located within and isolate about 5 acres of the southwest corner of an OGR. However, as stated on page 84 of the FEIS, "Topography, including deeply incised drainages, may preclude alternative locations."

While new road construction is generally inconsistent with OGR objectives, the Forest Plan LUD map identifies this connection as a Transportation and Utility System (TUS) overlay LUD. The TUS LUD takes precedence over any underlying LUD. Road survey engineers were aware of the restriction and

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spent considerable time attempting to avoid the OGR. The road was moved out of the OGR as much as feasible. However topography prevented alternative road locations.

National Historic Preservation Act (NHPA) of 1966 (as amended)

Heritage resource surveys of various intensities were conducted in the analysis area in accordance with the Regional Inventory Strategy. A finding of “no historic properties affected” was recommended on September 30, 2013 for all alternatives for the Saddle Lakes project. I have determined that, under the terms of the existing programmatic agreement with the Alaska State Historic Preservation Officer and the Advisory Council on Historic Preservation (USDA 2002, as amended 2010), “the Forest may proceed with the undertaking in lieu of a consensus determination of eligibility pursuant to 36 CFR 800.4.”

Tongass Timber Reform Act (TTRA) of 1990

Timber Harvest has been deferred under the Selected Alternative.

Executive Orders

Executive Order 11988 (Floodplains):

Executive Order 11988 directs federal agencies to take action to avoid, to the extent possible, the long- and short-term adverse effects associated with the occupancy and modification of floodplains. The Selected Alternative does not involve floodplain occupancy

Executive Order 11990 (Wetlands):

Requires federal agencies to avoid, to the extent possible, the long and short-term adverse effects associated with the destruction or modification of wetlands. Road construction through wetlands is avoided to the extent practicable. Where wetlands cannot be avoided, road construction will adhere to State-approved BMPs, which include at a minimum the federal baseline provisions in 33 Code of Federal Regulation (CFR) 323.

Executive Order 12898 (Environmental Justice):

Directs federal agencies to address whether a disproportionately high and adverse human health or environmental impact on minority populations, low-income populations, or Indian tribes is likely to result from the proposed action and any alternatives. This order also directs agencies to consider patterns of subsistence hunting and fishing when an agency action may affect fish or wildlife.

None of the alternatives are expected to have a disproportionately high and adverse effect on the health or well-being of the minority or low-income populations that use the project area. Any changes in consumption patterns and wild food resources, as well as other project effects, would be equally applicable to the general population.

Executive Order 12962 (Aquatic Systems, Recreational Fisheries):

Requires federal agencies to evaluate the effects of proposed activities on aquatic systems and recreational fisheries. The Selected Alternative minimizes the effects on aquatic systems through project design, application of standards and guidelines, BMPs, and site-specific mitigation measures. Recreational fishing opportunities will remain essentially the same as the current condition.

Executive Order 13007 (Indian Sacred Sites):

Provides presidential direction to federal agencies to give consideration to the protection of American Indian sacred sites and allow access where feasible. Tribal governments or representatives have not identified any specific sacred site locations in the project area.

Executive Order 13112 (Invasive Species):

Requires federal agencies (in part) to evaluate whether the proposed activities will affect the status of invasive species, and to not carry out activities that promote the introduction or spread of invasive species unless it has determined that the benefits of such action outweigh the potential harm caused by invasive species, and that all feasible and prudent measure to minimize risk of harm will be taken in conjunction with the actions. The Selected Alternative implements specific measures to minimize the introduction and spread of invasive species.

Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments):

Directs federal agencies to respect tribal self-government, sovereignty, and tribal rights, and to engage in regular and meaningful government-to-government consultation with tribes on proposed actions with tribal implications.

Throughout the span of the Saddle Lakes project, the Ketchikan-Misty Fiords District Ranger has communicated monthly through newsletters, council meetings and informal discussions with the Ketchikan Indian Community, Organized Village of Saxman, and Metlakatla Indian Community, described in Chapter 1 of the FEIS. Tribal consultation does not imply that the tribes endorse the Selected Alternative or any of the alternatives.

Executive Order 13186 (Migratory Birds):

The Migratory Bird Treaty Act of 1918 (amended in 1936 and 1972) prohibits the taking of migratory birds, unless authorized by the Secretary of Interior. The decision will not have a significant direct, indirect, or cumulative effect on any migratory bird species in the project area.

Executive Order 13443 (Facilitation of Hunting Heritage and Wildlife Conservation):

Directs federal agencies to facilitate the expansion and enhancement of hunting opportunities and the management of game species and their habitat. The analysis considered and disclosed the effects on hunting activities. The Selected Alternative will maintain the current hunting opportunities by adhering to the Forest Plan Standards and Guidelines that maintain habitat for hunted species.

Federal and State Permits

Permits necessary to implement the authorized activities are listed at the end of Chapter 1 in the FEIS.

Implementation Process and Process for Considering Changes and New Information

Minor changes are expected during implementation to better meet on-site resource protection objectives and improve design safety and construction efficiency. This may entail adjusting the ROW to meet logical change or on site constraints such as slope and contour. Any changes will be within the direction in Forest Service Manual (FSM) 2430 and Forest Service Handbook FSH 2409.18. This direction provides a link between project planning and implementation. This ensures the proper execution of the decision, while

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meeting environmental standards, and mitigations approved by this decision. Changes made during implementation will be reviewed, documented, and approved by the Responsible Official through the Tongass Change Analysis process described in FSH 1909.15-2009-1

I will determine whether any proposed change is substantially different than the Selected Alternative as approved, and whether the change is relevant to environmental concerns. Cumulative impacts of proposed changes will also be considered.

Administrative Review - Opportunity to Object

The Draft ROD was subject to review and four objections were received, the outcome of these objections has resulted in my decision to defer all timber harvest and related activities analyzed in the Saddle Lakes Timber Sale FEIS until a SEIS is prepared analyzing effects of those actions along with the cumulative effects of other reasonably foreseeable actions.

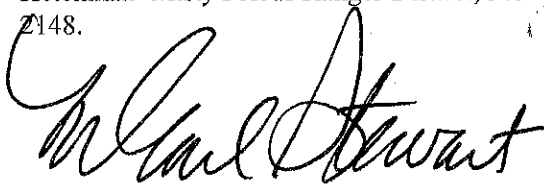
The Reviewing Officer's response indicated I could move forward with this decision to authorize a ROW to the State of Alaska and removal of a partial barrier to fish on Salt Creek. I believe that this decision is consistent with that response.

Implementation Date

Implementation of this decision may commence immediately upon my signature. There is not a requirement to publish notification of the decision.

Contact Information

For additional information concerning this draft decision, contact Jeff DeFreest, District Ranger, Ketchikan- Misty Fiords Ranger District, 3031 Tongass Ave, Ketchikan, AK. 99901, or call (907) 225-2148.



M. EARL STEWART
Forest Supervisor



DATE